

Applicant: Ricardo Chaves

Agent: Garcia/Kraemer & Assoc.

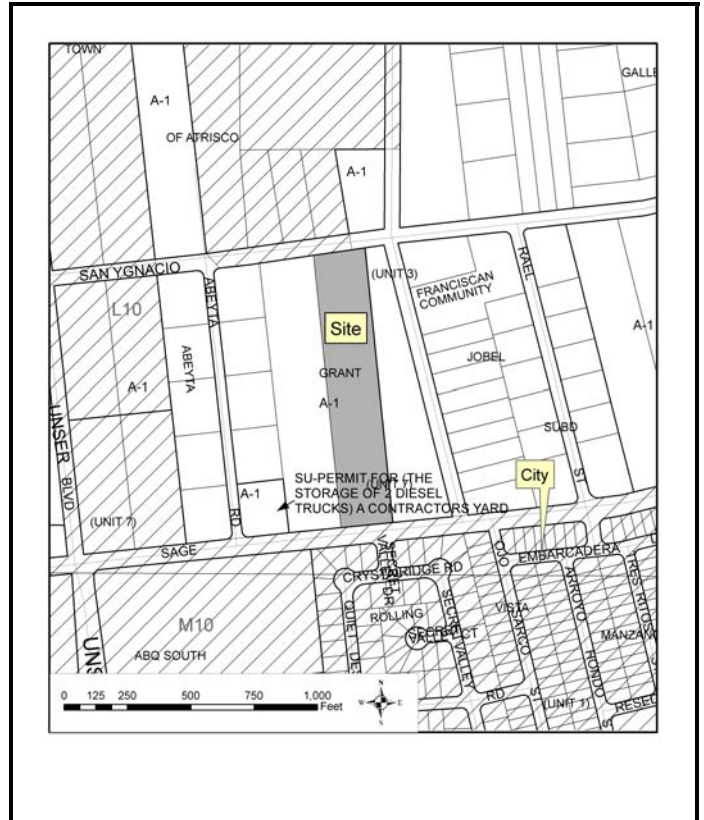
Location: North of Sage Road
between Stinson Street
and Abeyta Road

Property Size: Approximately 5.11 acres

Existing Zone: A-1

Proposed Request: R-1

Recommendation: Approval



Summary: The applicant is requesting a zone map amendment from A-1 to R-1 on a 5.11 acre (approximately) vacant tract of land located just north of Sage between Stinson Street and Abeyta Road, SW. This request is located in Residential Area 5 of the Southwest Area Plan which allows up to nine (9) dwelling units per acres when City sewer and water services are available.

Staff Planner: Adella Gallegos, Associate Program Planner

Attachments: 1. Application
2. Land Use Map

Bernalillo County Departments and other interested agencies reviewed this application from 4-24-06 to 5-15-06. Agency comments were used in preparation of this report, which being on page 10.

AGENDA ITEM NO.: 13
County Planning Commission
CZ-60010

CZ-60010 Garcia/Kraemer & Associates, agent for Ricardo Chaves, requests a zone map amendment from A-1 to R-1 on Tract 474, Town of Atrisco, Unit 7, located north of Sage Road SW, located between Stinson Street and Abeyta Road, containing approximately 5.11 acres. (L-10)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Vacant
North	R-D (Municipal Limits)	Vacant – currently under construction
South	R-D/R-1 (Municipal Limits)	Residential
East	R-1	Vacant and Residential east of Stinson
West	A-1	Vacant

BACKGROUND:

The Request

The applicant is requesting a zone map amendment from A-1 to R-1 on a 5.10 acre (approximately) tract of land located on north of Sage Road between Stinson Street and Abeyta Road, SW. The property is currently vacant with the surrounding properties predominately zoned for R-1. This site is located in Residential Area 5 of the Southwest Area Plan that allows up to nine (9) dwelling units per acre when City sewer and water are available.

Request Justification

The applicant maintains that the request is justified according to Resolution 116-86 in that there have been significant changes in the neighborhood and community conditions, specifically the zone change of Tract 475 directly adjacent to the site on the east. In addition, the applicant states that in this area, since the original zoning was established, R-1 zoning would be more advantageous to the community than the existing A-1 zone classification.

Surrounding Land Uses and Zoning Activity

The site is predominately surrounded with residential zoning on the north, east and south of the site with vacant A-1 zoning abutting the site to the west. The site abuts the Municipal Limits on the north by San Ygnacio Road and on the south by Sage Road. The property on the south of Sage Road is zoned RD/R-1 and fully developed with residential housing with a density of 6 to 9 dwellings units per acre. The vacant property north of San Ygnacio Road is zoned RD/9DU/Net (City Zoning), contains approximately 15 acres, is currently under construction and proposed to be developed into a 135 lot subdivision (Council Bill O-04-38). The vacant property directly adjacent to the east (Tract 475) currently underwent a zone change from A-1 to R-1 that was approved by the Board of County Commissioners on November 22, 2005 (CZ-50011). The property east of Stinson is almost fully built out with residential dwelling. The property at the northeast corner of Stinson Street and San Ygnacio Road is zoned A-1 and currently vacant.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

This site lies in the Developing Urban Area of the Albuquerque/Bernalillo Comprehensive Plan. The Goal of this area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

Policy a states that the Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.

Policy d states that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Policy e states that new growth shall be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.

Policy f states that clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

Policy g states that development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.

Policy h states that higher density housing is more appropriate in the following situations:

- . In designated Activity Centers
- . In areas with excellent access to the major street network.
- . In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing areas land uses and where adequate infrastructure is or will be available.
- . In areas now predominately zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per acre.
- . In areas where a transition is needed between single-family homes and much more intensive development; densities will vary up to 30 dwelling units per net acres according to the intensity of development in adjacent areas.

Policy k states that the land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.

Policy l states that quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.

Policy m states that urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

Air Quality

The Goal is to improve air quality to safeguard public health and enhance the quality of life.

Policy g states that pollution from particles shall be minimized.

- Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.
- Modify the Development process manual to expand requirements for topsoil disturbance permits and dust control plans for excavations greater than $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulations regarding airborne particulates.

Southwest Area Plan (SWAP)

The site is located in Residential Area Five of the Southwest Area Plan.

Policy 26 (h) allows up to nine dwelling units per net acre in Residential Area 5, when city water and sewer services are available.

Policy 1 states, "Techniques to ensure water quality and to enhance water conservation shall be established by the appropriate governmental agencies to enforce policies adopted in the Ground-Water Protection Policy and Action Plan and to prevent further groundwater contamination in the Plan area."

Policy 5 states, "As development occurs in the Plan area, provisions shall be made to ensure erosion is controlled during and after construction. Runoff and erosion controls shall be developed throughout Soil Conservation Service Zones 3 & 4 to protect Zone 5."

Policy 6 states, "Specific land use regulations, with performance and improvement standards, shall be created to protect agricultural lands."

Policy 19 states that all development and subdivisions shall be required to limit the level of water runoff generated from new construction or paving in order to reduce velocity and volume of runoff, and to ensure the viability and capacity of down stream facilities.

Policy 25 states the County and City shall stabilize residential zoning and land use in the plan area.

Policy 30 states standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

Policy 32 states enhance the visual character and quality of the streetscape and overall development by integrating the design and materials of required perimeter walls.

- a. Walls shall be signed to complement the architectural character of the neighboring development by incorporating the features and motifs used on adjacent homes or buildings.
- b. Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

Policy 34 Require, where feasible, development to respect views of the mountains to the east and the mesa to the west. Preserve views to and from the sites by incorporating design details.

Albuquerque/Bernalillo County Zoning Ordinance

Resolution 116-86 defines criteria for evaluating Zone Map changes and Special Use Permit applications.

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- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans, which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:

1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 19. Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
- b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
- c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.

2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.

3. Sites of five acres or more:

- a. There shall be a landscaped area setback along all streets of no less than 20 feet.
- b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
- c. All other requirements [shall be the] same as 1.b. and 1.c. above.

ANALYSIS:

Surrounding Land Use and Zoning

The applicant has requested a zone change from A-1 to R-1 where they anticipate subdividing and developing the site into approximately 1/4 acre lots. This request is consistent with the zoning and land uses of the area, which are predominately residential. This request appears not to be a "spot zone", as the property is surrounded with R-1 to the east and R-D (City) zoning to the north, and south of the site. The general vicinity seems to have undergone changes towards a trend of high density residential development and away from the agricultural aspect of the existing zoning.

Plans

Albuquerque/Bernalillo County Comprehensive Plan

This site is located in the Developing Area of the Comprehensive Plan. This request appears to facilitate the Comprehensive Plan in that Policy a allows a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre. Further, Policy e calls for new growth to be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of the existing neighborhoods can be assured.

Southwest Area Plan

The site is located in Residential Area 5 of the Southwest Area Plan that allows up to nine dwelling units per acre for this area of the South Valley when water and sewer services are available. It appears that water and sewer services are available to this site.

The site is located within the Tower/Unser Sector Plan and, although the County did not approve the plan, the plan recommends RD/R-1 zoning for this site with a density of up to 9 dwellings unit per acre. The site is located amid the Municipal Limits to the north and south with the properties currently zoned RD/R-1.

Zoning Ordinance

This request would not result in a "spot zone" as residential zoning surrounds the site on the north, south and east. In addition, there appears to be changed neighborhood conditions due to the trend towards high density residential development in the immediate area.

Agency Comments

The City of Albuquerque Transportation Development Division is requiring that any future development for the frontage of Sage Road and San Ygnacio, under City of Albuquerque jurisdiction acquire City of Albuquerque approval for roadway infrastructure per the Long Range Roadway System developed by MRCOG.

Albuquerque Public Schools notes that Edward Gonzales Elementary, Truman Middle School and West Mesa High School will be affected by this development in that Edward Gonzales and West Mesa High School are already exceeding capacity and that Truman Middle School is nearing capacity.

Analysis Summary

Zoning	
Resolution 116-86	Request does not constitute a “spot zone” as the site is surrounded on the north, south and east with residential zoning.
	Changed neighborhood conditions exists in that high-density residential development exists in the immediate area.
Plans	
Comprehensive Plan	Consistent with density policy for the Developing and Established Urban Areas.
Area Plan	Consistent with Southwest Area Plan, Policy 26 for Residential Area 5 which allows a density of up to 9 dwelling units per acre when City water and sewer are available.
Other Requirements	
City of Albuquerque Transportation Development	Requiring City of Albuquerque approval for roadway infrastructure frontage of Sage Road and San Ygnacio per the Long Range Roadway System developed by MRCOG.

Conclusion

Staff is recommending approval of the requested zone change on the subject site. The request for a zone change from A-1 to R-1 does not constitute a “spot zone” as R-1, and RD/R-1 (City) zoning exists on the north, south and east of the site. Although the site abuts A-1 property to the west, the changed neighborhood conditions in the immediate area have moved away from an agricultural aspect and towards a trend of residential development.

RECOMMENDATION:

Approval, based on the following Findings.

Adella Gallegos
Associate Program Planner

FINDINGS:

1. This is a request for a zone map amendment from A-1 to R-1 on Tract 474, Town of Atrisco Grant, located at 3801 Sage Road SW, containing approximately 5.11 acres.

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2. The property is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and Residential Area 5 of the Southwest Area Plan.
3. The request is consistent with Resolution 116-86 in that it does not constitute a "spot zone" as the site is surrounded by R-1 zoning to the east and R-D zoning (City) to the north and south.
4. The proposed use is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area with residential development that justify the request.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

Must comply with all Bernalillo County Code regulations for this project. No zoning violations. No other adverse zoning comments at this time.

Environmental Health:

Public Utilities [water and] are available. Provide a water and sewer availability statement.

Fire: No comments received

Zoning Enforcement Manager:

The Zoning Ordinance indicates that the R-1 zone is to allow for development of single-family homes. These may include a site-built home or a HUD Zone code II manufactured home, as well as ancillary uses such as vehicle parking, storage sheds, and certain types of home occupations.

The ordinance requires that R-1 lot have a minimum area of not less than $\frac{3}{4}$ of an acre but because this project is located within the Developing Urban area, if community water and sewer is available, lot sizes can be decreased to 8000 square feet. The width of each lot must be 60 feet. Future subdivision of the property would require review and approval through the County's established subdivision process.

Any future residential development will be required to meet applicable setback distance of 20 feet in the front yard, 15 feet in the rear yard, and an aggregate width of 14 feet in the side yards, provided that neither such yard is less than 6 feet in width. Height limitations do not permit buildings or structures over 26 feet or 2 stories.

Off-street parking spaces for each proposed residence will need to be provided in accordance with Sec. 21 of the ordinance (1 space for each bathroom or fraction thereof, but not less than 2 spaces per dwelling).

Public Works:

DRAN:

This property is subject to the Bernalillo County Code Chapter 38. Prior to any development of this property a drainage submittal meeting the requirements of this code will be required. Any platting action for this property may be subject to the requirements of the Bernalillo County Code Chapter 38 prior to final plat approval.

Parks & Recreation: No comments received

Sheriff's: No comments received

COMMENTS FROM OTHER AGENCIES

MRGCOG: No comments received

AMAFCA: No comments received

APS:

The owner is requesting a zone change from A-1 to R-1 in order to develop approximately 20 quarter-acre lots for single-family houses. The property is located between Sage Rd and San Ignacio just west of Stinson SW and will affect Edward Gonzales Elementary, Truman Middle School, and West mesa high School. Edward Gonzales Elementary and West Mesa High School are already exceeding capacity while Truman Middle School is nearing capacity.

School	06-07 Projections	06-07 Prelim Cap	Space Available
Edward Gonzales	1162	850	-312
Truman MS	1117	1153	36
West Mesa HS	2706	2200	-506

A new southwest elementary school is planned to open in 2008 in order to relieve overcrowding at Edward Gonzales. The new elementary school will be co-located with Edward Gonzales and the two schools will support a K to 2nd grade configurations and a 3rd to 5th grade configuration. A new southwest high school is planned to open with a 9th grade academy in 2008, with the remainder of the school to open in 2009. These dates are contingent upon available funds. The new high school will relieve overcrowding at West Mesa High School. To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools or additions: Add portables, Use of non-classroom spaces for temporary classrooms, lease facilities, use other public facilities, improve facility efficiency (short tem solution), schedule changes, double sessions, multi-track-year-round, other, float teachers (flex schedule), shift students to schools with capacity (short term solution), boundary adjustments/busing, grade reconfiguration, combination of above strategies. All planned additions to existing educational facilities are contingent upon taxpayer approval.

City Transportation Development

Any future development for the frontage of Sage Road and San Ygnacio, under City of Albuquerque jurisdiction and roadway, will required City of Albuquerque approval for roadway infrastructure, which includes pavement design, curb and gutter, sidewalk and required setbacks as well as roadway widths per the Long Range Roadway System developed by MRCOG.

City Open Space: No comment

City Planning Department: No comments received

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NM State Highway & Transportation Department:

No comment since there is no impact to the state road system.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Alliance of Neighborhoods

South Valley Coalition of Neighborhoods

Stinson/Tower Neighborhood Association